

CHAPTER OVERVIEW

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9.1 Philosophical Basis for Permanency Planning

Permanency planning and its inherent decision making permeates the child's placement in out-of-home care. The goal of out-of-home care is to provide to each child who enters it a stable and continuous relationship with nurturing and loving parents. Acceptance of this goal implies that no child should be allowed to drift in out-of-home placement. Decisions must be made in a timely manner. The child should either be reunified with his/her parents or be freed from parental custody and placed for adoption within a definite time limit. When neither of these alternatives are possible, one of the following three plans is utilized: Legal Guardianship; Placement with a Fit and Willing Relative; or Another Planned Permanent Living Arrangement (APPLA), should be developed and formalized by written agreement.

In order to be successful in permanency planning, a Children's Service Worker must possess a variety of skills, especially skills associated with tasks such as brokering, advocating, counseling, and consulting. Pike, et al. (1977) have identified permanency planning tasks that must be performed by the worker.

- To set in motion planning activities and to keep the momentum going until the child is permanently settled. To do this, the Children's Service Worker must be constantly willing to initiate and keep track of all activities. If referrals to other agencies are necessary, the worker will be the one to make them. The same is true for arranging parent's visits with their children, for initiating court action, and for all other actions necessary to implement a plan.
- To coordinate all service activities related to permanent planning. The Children's Service Worker will ensure that the parents have access to all services that they need, and will coordinate referrals to other services so that they follow a coherent case plan.
- To keep all activities focused on the needs of the child for permanency. In this respect the Children's Service Worker acts as an advocate for the child. The worker may be the only professional involved who will have the needs of the child as their primary concern.
- To be willing to make decisions, and to exercise judgment in doing so. To a large extent, permanency planning involves decision making. The decisions are very often difficult to make because they require judgment about what is likely to occur in the future, in situations where all the facts are not, and never can be, known.

Decision making in permanency planning involves risks, and the gravity of the risks is compounded by the serious implications the decisions will have on the lives of parents and children. But timidity in the face of difficult decisions will not achieve a stable future for the foster child. The Children's Service Worker does not make these decisions alone, but does have responsibility of seeing that they are made, and made with as much judgment and knowledge as possible.

9.2 Administrative Review Process

This section provides the Children's Division's (CD) policy for an administrative review process which is in place and utilized periodically for all children who are in an out-of-home setting and in the care and custody of the Division, or when CD is under court ordered supervision. This will assist the Children's Service Worker in developing an initial permanency plan, as well as the alternate permanent plan, and in evaluating progress toward the permanent plan for that child. The Administrative Review process is embodied in several formal activities which are utilized at various times while the child is in care.

The Children's Service Worker and the Family Support Team/Permanency Planning Team must determine the most appropriate permanent plan for the child at the time of original placement, and at any additional placement, including an adoption disruption or dissolution. The CS-1 will be developed with the family and the Family Support Team. This will occur when a pre-custodial evaluation is conducted at the 72-hour meeting

following the Division receiving custody of a child and updated at subsequent 30-day meetings. (This procedure implements the requirements of S.B. 244. Members of the Family Support Team will include those persons mandated in this legislation as the professional evaluation team.) Permanency planning reviews are then conducted prior to the date of the child's sixth month in care, and every six (6) months thereafter. As a primary method of review, the Division has established Family Support Teams.

When it appears that a child may need residential care services (includes treatment services), the need must be assessed by referral to the Residential Care Screening Team (RCST). In addition, the Division has established other administrative review methods, such as supervisory reviews, area office reviews, and will establish other review mechanisms as necessary and appropriate. In all instances, these reviews are to be integrated with the juvenile court's review process for every child in care.

Administrative reviews of any type are conducted for the purpose of assessing the child/family's progress in achieving any one of three permanency goals: reunification, adoption, or another type of permanent arrangement. They affirm the Division's commitment to the achievement of permanent plans for every child placed in our custody. Administrative reviews are intended to prevent children from aimlessly drifting through a series of out-of-home care placements. They monitor the progress and goal achievement of treatment planning and service delivery, and assist in developing alternative solutions to child and family problems.

9.3 Decision Making for Permanency

At the time of a child's entry into out-of-home care, a case plan shall be developed which specifies the services to be provided by the agency and others toward the goal of permanency. The case plan should be developed after a thorough family assessment and risk assessment. If custody of the child has been taken from the parents due to neglect or abuse, reports to the court and the subsequent hearing should clearly establish the conditions in the home that need to change in order for the child to be returned. The case plan developed by the Family Support Team will delineate what each member of the team must do to reduce the problems which necessitated the child's placement in out-of-home care. Using the standard of an acceptable minimal level of social functioning as a base line, the FST will develop a case plan that addresses the identified conditions in the home. Although the parent's home may often compare unfavorably with the foster home in which the child has been placed, the child should be immediately restored to his or her parents if they have been able to overcome the specific conditions that formed the basis for initial removal.

The Children's Service Worker and members of the Family Support Team, including parents, should early on define "minimal level of social functioning."

Decision making regarding family reunification or other permanent plans is not done solely by the Children's Service Worker. The worker is to be supported by the Family Support Team, and other individuals and agencies who are familiar with the parent and

child. Also, the worker needs encouragement and support from supervisors to make difficult decisions.

All information provided at meetings or administrative hearings regarding removal of a child is confidential except:

- A parent or a party may waive confidentiality for himself or herself
- Any parent has the absolute right to audio or videotape such meeting to the extent allowed by the law.
- No parent or party shall be required to sign a confidentiality agreement before testifying or providing information at such meeting or hearing.
- Any person, other than a parent or party, who doesn't agree to maintain confidentiality may be excluded from any portion of the meeting during which he/she is not testifying or providing information.

The CD is responsible for developing a form (CS-1) to be used at the conclusion of any meeting held in relation to a child placed in the custody of the state.

Professional consultants, with expertise in such areas as substance abuse, sexual offenders, domestic violence, etc., may also be utilized to aid the Children's Service Worker in decision making.

Sound decisions are based on these factors; the conditions which existed prior to placement; what has occurred during placement; and what is likely to occur after the child returns home. The most difficult factor is "what is likely to occur after the child returns home." This unknown contributes significantly to foster care "drift."

9.4 Guidelines for Placement Decision Making for Permanency Planning

These guidelines must be used when conducting any administrative review, including PPT reviews or FST meetings, regarding the specific child.

9.4.1 Reunification

Family reunification is generally the first choice and should occur as soon as the parents have been able to resolve or reduce the problem(s) which necessitated the child's placement to a minimally acceptable safe level, which allows the child to return home. Reunification maintains family roots, requires few legal procedures, and is usually the least traumatic choice.

Section 210.117, RSMo states that no child taken into custody of the state shall be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, a felony violation of chapter 566 RSMo, with the exception of 566.034 RSMo, or section 568.020, 568.045, 568.060 (except for subdivision (1) of subsection (1).), 568.065, 568.070, 568.080, 568.090, or 568.175, RSMo when a child was a victim, or has an offense in another state, that would be considered a felony violation of the above stated chapters, where a child was a victim.

- Specific offenses:
 - 566.020 - Mistake as to incapacity or age
 - 566.023 - Marriage to victim at time of offense
 - 566.025 - Evidence that defendant has committed other charged and uncharged crimes of a sexual nature involving victims under fourteen
 - 566.030 - Forcible rape and attempted forcible rape
 - 566.040 - Sexual assault
 - 566.060 - Forcible sodomy
 - 566.062 - Statutory sodomy, first degree
 - 566.064 - Statutory sodomy – second degree
 - 566.067 - Child molestation, first degree
 - 566.068 - Child molestation, second degree
 - 566.070 - Deviate sexual assault
 - 566.083 - Sexual misconduct involving a child
 - 566.090 - Sexual misconduct, first degree
 - 566.093 - Sexual misconduct, second degree
 - 566.095 - Sexual misconduct, third degree
 - 566.100 - Sexual abuse
 - 566.111 - Unlawful sex with an animal
 - 566.151 - Enticement of a child
 - 568.020 - Incest
 - 568.045 - Endangering the welfare of a child in the 1st degree
 - 568.060 - Abuse of a child, penalty (minus sub. 1, subs.1)
 - 568.065 - Genital mutilation of a female child
 - 568.070 - Unlawful transactions with a child
 - 568.080 - Child used in sexual performance
 - 568.090 - Promoting sexual performance by a child
 - 568.175 - Trafficking in children
- Exceptions:
 - 566.034 - Statutory rape, second degree
 - 568.60 - Abuse of a child, Subdivision1, subsection1: Knowingly inflicts cruel and inhuman punishment upon a child less than seventeen years old.
- Nothing in this section shall preclude the division from exercising its discretion regarding the placement of a child in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty or no contest to any offense excepted in this section. Therefore, the division may decide to place a child in the home where a parent has been found guilty of one of the above stated offenses, however is not required to do so.

The Children's Service worker is to determine if the parent has a known criminal history, involving any of the above stated felony convictions. If the parent's criminal history is known to the worker, and there are no known

offenses, a criminal background check is not necessary. If the parent's criminal history is not known to the worker, the worker is to request that a local or state law enforcement agency or juvenile officer conduct a name-based criminal history record check to include full orders of protection and outstanding warrants of each parent by using the Missouri Uniform Law Enforcement System (MULES) and the National Crime Information Center (NCIC) to initially assess whether the parent holds a criminal history.

The FST, when deciding whether family reunification is appropriate, should assess the child's and family functioning and situation, especially in relation to:

- a) The parent's ability to meet the physical, social, emotional, medical and educational needs of the child. The parent has no diagnosable, remediable condition that prevents them from caring for the child;
- b) The parent(s) has rectified the conditions that led to out-of-home care;
- c) The impact on the child and family of experiences with past abuse and/or neglect;
- d) The child's current level of functioning and any special needs;
- e) Level of parental functioning, family relationships, communication patterns, conflict resolution skills and children's relationships;
- f) The parent's and child's strengths, resources and potentials that can make reunification possible. Special appreciation should be given to the strengths and resources in families whose lifestyles, family styles and child rearing methods differ from that of the Children's Service Worker or other members of the Family Support Team;
- g) Support and/or services available to the family through natural helpers, CD and the community;
- h) Family problems which may impede reunification, i.e., mental illness, substance abuse, domestic violence, homelessness, etc.;
- i) The family's and child's willingness and readiness to be reunited; and
- j) The relationships between the parent, placement provider, Children's Service Worker, and child which promote or impede reunification.

The Children's Service Worker and other Family Support Team members should carefully weigh the risk of reunification against the risk of continued placement in out-of-home care.

Related Subjects: Refer to Section 2, Chapter 5, Assessment.
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9.4.2 Adoption

Adoption by kin, the current foster family, or a new family, including those licensed for foster/adoptive (FA) care, offers the most stability to the child who cannot return to their parent(s) and is the second most legally binding plan. Except for those instances in which a child has been abandoned by his parents, most children enter out-of-home care due to some combination of abuse and neglect, including parental inability to provide care due to the parent's or child's physical or behavioral problems.

Adoption should be considered an appropriate permanent plan when:

- a) The goal of return home has been ruled out;
- b) The child's parent(s), through words or actions, has shown an inability or unwillingness to care for the child for a period of at least six (6) months, and the parent(s) will not be able to provide for the child's health and safety within a reasonable period of time (6 months).
- c) The parent(s) have failed to correct those problems and or conditions which contributed to the child's placement in out-of-home care and are not likely to do so in the near future.
- d) The parent(s) wants the child to be adopted, or parental rights have been terminated;
- e) The child wants to be adopted.

Termination of parental rights has serious and lasting consequences to parents and children. Therefore, it is often difficult for Children's Service Workers and others to recommend termination of parental rights. Conversely, courts may be hesitant to terminate parental rights. However, section 211.447, RSMo, sets forth the grounds for involuntary termination of parental rights and should be used by the worker and others in deciding when to recommend termination of parental rights.

NOTE: A child is potentially available for adoption until court releases the Division from custody and/or supervision of the child.
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A child placed for adoption must have had a physical, dental (beginning at age three (3) years), and psychological examination/evaluation (beginning at least at age five (5) years) within six (6) months prior to the child's adoptive placement. Results of these activities shall be included in the required written summary provided to the adoptive parents at the time of placement.

Related Subject: Chapter 27, of this section, Permanency Through Adoption.

9.4.3 Guardianship

Guardianship is a permanency option to children for whom neither family reunification or adoption is feasible. Guardianship requires the caretaker to assume a high level of responsibility and authority over the child. Once guardianship is awarded by the probate court, the Division's legal responsibility for services is terminated.

Related Subject: Chapter 30, of this section, Subsidized Adoption/Guardianship.

This plan has limited application, and should be selected under the following circumstances:

- a) Return home has been ruled out;
- b) Adoption has been ruled out and the child is 14 years of age or older;
- c) Child is with a family, including a kinship placement, who wants to continue providing for his needs;
- d) Child wishes to stay in the current home;
- e) Division's placement support services are not necessary to maintain the home;
- f) The juvenile court will transfer custody to the caretaker;
- g) Parent(s) will agree, if applicable, to probate court guardianship or transfer of custody; and/or,
- h) Juvenile judge has ruled that a guardian be appointed after considering a TPR petition for a child over 14 years of age and found that adoption is not appropriate.

9.4.4 Placement with Fit and Willing Relative

Relative placement does not preclude adoption or guardianship. If the child is with a relative who wishes to care for the child long-term, adoption and guardianship should still be explored as they offer more permanence for the child. Placement with a Fit and Willing Relative, without adoption or guardianship, is not a legally final permanency option. Therefore, the court must continue to hold annual permanency hearings until such time that the court enters a legally final permanency order (return to legal custody of parent, TPR and adoption or guardianship) or the child reaches age 21.

A relative placement need not supercede a stable placement with another individual who may wish to adopt or become the child's guardian. Efforts should be made to ensure this option is the best plan and that other more permanent options have not been overlooked.

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The permanency option of Placement with a Fit and Willing Relative should be selected under these circumstances:

- a) Return home has been ruled out;
- b) TPR and adoption and guardianship are not appropriate and the juvenile court and/or Division feels it is in the best interest of the child not to pursue termination;
- c) All relatives have been considered and there is an identified relative resource who is willing to make a long-term commitment to care for the child;
- d) The relative resource is able to meet the child's physical, emotional, and developmental needs;
- e) The child wants to be placed with the relative;
- f) The relative has been fully informed of the legal effect of the placement and all available financial resources, including subsidies;
- g) The parent(s) has been informed about the placement of the child with relative provider;
- h) The out-of-home care provider will make a formal Planned Permanency Agreement with the Division for this purpose.
- i) If the relative plans on continuing contact with the parent from which the child was removed, they are prepared to protect the safety of the child and make good decisions about the child's contact with this parent;

9.4.5 Another Planned Permanent Living Arrangement (APPLA)

Another Planned Permanent Living Arrangement (APPLA) is meant to be a permanent placement for the child, not just a foster care placement that can be indefinitely extended. Choosing this option is appropriate when there is a **specific, long-term placement** for the child and when it has been documented to the court that compelling reasons exist which make the other permanency options unacceptable. According to ASFA regulations, examples of compelling reasons include: when an older teen requests emancipation ; when there is a significant bond, but the parent cannot care for the child due to disability; and when an Indian tribe has identified an APPLA for the child (see Section 4.23.2 for specific case study examples).

As with Placement with a Fit and Willing Relative, an APPLA is not a legally final permanency option. Therefore, the court must continue to hold annual permanency hearings until such time that the court enters a legally final permanency order (return to legal custody of parent, TPR and adoption or guardianship) or the child reaches age 21.

An APPLA should be selected as the most appropriate permanency option under these circumstances:

- a) The child objects to TPR, and the juvenile court and/or Division believes it is in the best interest of the child not to pursue termination;
- b) Adoption has been ruled out;
- c) Guardianship or transfer of custody has been ruled out;
- d) Placement with a Fit and Willing Relative has been ruled out;
- e) There is an identified appropriate planned permanent living arrangement in which the child wishes to continue living;
- f) All possible additional services are explored with the child and/or the placement provider to provide permanency;
- g) The out-of-home care provider will make a formal Planned Permanency Agreement with the Division for this purpose.

Note* Ruling out more permanent options based only on a child's age is contrary to the goals of ASFA. Individual determinations about each child's needs and circumstances are necessary.

Related Subject: Chapter 23, of this section, Another Planned Permanent Living Arrangement (APPLA).

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9.4.6 Residential Care

Residential care is to be used only when a child's behavior is diagnosed as requiring this type of protected and rehabilitative environment. **Residential care is not considered a permanent plan.** The primary focus of this service is to provide treatment to secure a child's improved adjustment. Placement in another type of home setting will be necessary upon completion of the agreed upon treatment period. It should be selected under the following circumstances:

NOTE: Plans of this type must be approved by the RCST.
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- a) Return to the parent(s)' care has been temporarily ruled out;
- b) Child requires a more structured environment to meet assessed needs and such a placement is in the child's best interest;
- c) Need for this type of care has been shared with the child;
- d) Parent(s) has been informed about the child's need and the recommendation for residential care;
- e) The facility is open to planning for the adoptive placement if the child becomes legally available for adoption; and/or,
- f) The selected facility has agreed to accept the child for care and services.

9.4.7 Emancipation or Chafee Foster Care Independence Program

Emancipation or independent living is appropriate for the older adolescent who has demonstrated an ability to care for him/herself. Within that framework, emancipation or independent living should be considered under the following circumstances:

- a) Return home has been ruled out;
- b) Placement with kin has been ruled out;
- c) The youth will soon reach majority;

- d) The youth has housing available to him/her; and,
- e) The youth has been or is capable of caring for his/her own needs.

The youth is usually 16 years of age or older, but may be as young as 14 years of age and they have stated that they do not wish to be adopted or have a guardian appointed and it has been documented that adoption or guardianship is not in the best interest of the child.

Related Subject: Chapter 21, of this section, Chafee Foster Care Independent Living Program.

Transfer of custody to another agency or provider. When custody is transferred, the Division's legal responsibility may be terminated at the discretion of the juvenile court of jurisdiction.

9.4.8 Release From Division Custody

Release from Division custody has limited application and should be considered in the following circumstances:

- a) The child's behavior is such that a more restrictive environment is needed than the Division can provide, or
- b) The child is a "runaway" and after diligent effort over a 90-day period, neither the Division nor the juvenile court has been able to locate the child, or
- c) The child's condition is such that other types of substitute treatment care can more appropriately meet his/her needs.

9.5 Tasks to Support Plan

- 1. Determine the legal and service actions, which must occur to support the selected permanent plan.
- 2. Document a record of casework action and parental behavior that will support the satisfactory closing of a case, a restoration plan, be admissible evidence in a termination hearing if the parents do not respond to the case/treatment plan, or a voluntary release by the parent(s) of the child for adoption.
 - a) Enter in the case record, chronologically, all attempts and actual contacts, in person or by telephone, with parents and collaterals.

- b) Summarize important decisions or requests made during interviews in a follow-up letter to the client or collateral. A copy of the letter is filed in the case record.
- 3. Execute permanent plan.
- 4. Request court review, permanency hearing or other administrative review (by appropriate supervisory level) at appropriate time intervals to assure progress toward a permanent plan.
- 5. Submit FST reports (CS-1) to the jurisdictional court within 30 days of custody, and every six (6) months thereafter.
- 6. Complete the CS-1 ATT. (Independent Living Case Plan) and CS-3 (Life Skills Inventory) for youth age 16 and over, following the first six-month FST and attach to CS-1. The CS-1 ATT. is updated annually.
- 7. Request supervisory review for children in care as follows:
 - a) Area office at 15 months of treatment services;
 - b) Central office, at request of area office, as necessary.
- 8. Seek court permanency hearing when child has been in care 12 months and every 12 months thereafter. (See section 210.720, RSMo, Missouri Laws Relating to the Children's Division.)

The report to the court prior to a court permanency hearing shall include, but not be limited to the following:

- a) The current placement status of the child;
- b) The interrelationship of the child with his/her foster parents, parents, siblings, and any other significant person;
- c) The child's adjustment to his/her foster home, school and community;
- d) The mental and physical health of all individuals involved, including any history of abuse; and
- e) The child's need for a continuing relationship with his/her parents and their ability and willingness to adequately parent the child.

<p>NOTE: The permanency hearing shall be for the purpose of determining whether the child should be continued in foster care; returned to a parent, guardian or kinship; or proceedings should be</p>

instituted to terminate parental rights and legally free such child for adoption. (See section 210.720, RSMo.)

NOTE: In any judicial proceeding involving the custody of a child, the fact that a report may have been made pursuant to section 210.110 to 210.165 shall not be admissible. However, nothing in this section shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made as required in 210.145, RSMo.

9. Request the court amend the current court order if any treatment services recommended in the long-term permanency treatment plan are deleted, or if the permanency goal changes.

NOTE: A court may have its own format for reporting information for the court review. If so, this format should be used. When this occurs, submit a copy of the CS-1, in addition to the required court report, unless the court specifically objects.

A permanency hearing is considered to be a “review.” This includes those cases in which the court has held a TPR permanency hearing, determined that it is not in the best interest of the child to terminate parental rights, and retained jurisdiction of the child.

10. Obtain administrative reviews from appropriate staff by end of 90-day treatment periods if selected plan is not progressing by 180 days, 270 days, etc.

NOTE: While an administrative review is in process, efforts for permanency plan achievement for children currently in care should be continued.

11. Seek additional or administrative review assistance, as necessary, to achieve permanent plan.

12. Update the SS-61 appropriately with the date for the type of review or permanency hearing that has occurred.

13. Receive and implement recommendations of any review including:

- a) Administrative review;
- b) FST review; and
- c) Court review.

14. Terminate reviews when a permanent plan has been achieved.

Permanent plans can include one of the following:

- a) Reunification with parent(s);
- b) Adoption decree granted; or
- c) The court has approved a permanent legal guardianship with a foster/kinship family.

NOTE: Subsequent to the mandatory 12-month permanency hearing exceptions are allowed for the annual 12-month permanency hearings. Exceptions allowed include:

- a) Children in a court approved permanent legal guardianship placement with a foster/kinship family; and
- b) Children, free for adoption and placed with an adoptive family, if adopted within a reasonable time.

NOTE: Should interim progress toward a child permanency plan be disrupted because a child is returned to the Division's custody, an administrative review, including the FST, and court reports, must be rescheduled by the sixth month. A new case plan (CS-1) must also be developed and submitted to the FST and court within 30 days from the date of the plan's disruption.

9.6 Content of the Administrative Review

In addition to evaluating parent's progress toward achievement of the child's permanent plan, the following factors with respect to the child and his/her needs should be included in the administrative review.

Related Subject: Section 6, Resource Development.

NOTE: No exceptions are permitted in conducting permanency planning reviews while the child is in Children's Division custody and in an out-of-home setting. FST's should be coordinated with the required six (6) month court report and permanency hearings (at 12 months initially, and 12 months thereafter) whenever possible.

9.6.1 Case plan

Specific attention should be given to:

1. A description of the type of out-of-home care in which the child is placed and whether it is appropriate to meet the needs of the child

(includes the ability to meet needs of the child indicated by the child's minority, ethnic, and cultural characteristics);

NOTE: This includes assurances that the child is receiving proper care, i.e., is placed in a licensed facility or, if approved as an exception, the child is provided with a minimum level of proper care within community standards.

- a) How the agency plans to carry out any judicial determination or requirement with respect to the child;
- b) A description of the plan for providing services to the child, parent(s), and out-of-home care provider. The plan should assure that the child receives proper care and services to facilitate a permanent plan as quickly as possible. This will include the projected cost of such services;
- c) A description of the Independent Living Programs and services which will help a youth, age 16 or over, prepare for successful life after out-of-home care;
- d) An evaluation of the child's placement against the criteria of least restrictive setting and in proximity to the natural parents consistent with his best interests and special needs; and
- e) An evaluation of the case treatment plan designed to improve the conditions that caused the child's removal from the care of his parents. This evaluation should focus on four (4) or five (5), if appropriate, primary aspects which are:
 - 1) The services provided by the Division to the child, the parent(s), and the out-of-home care provider were appropriate;
 - 2) The family (treatment) plan reflects that reasonable efforts were made to prevent or eliminate the need for removal of the child(ren) and, after removal, services were provided to make it possible for the child(ren) to return home;
 - 3) The tasks and level of achievement of those tasks given to the child, the parents, the Division and any other service provider, were effective in realizing the child's permanency goal; or were effective in bringing the family closer to realizing the child's permanency goal;
 - 4) The treatment plan and services to the out-of-home care provider(s) or other out-of-home care provider addresses the

needs of the child and that services provided were directly linked to the case plan and, if applicable,

- 5) The child's out-of-home care placement was changed during the review period and the parent was:
- Informed of the child's new out-of-home care placement; and,
 - Contacted to arrange a new visitation plan.

NOTE: If the child has been in placement for more than one (1) year, attention should be given to considering a permanency goal alternative; i.e., a permanency goal other than return to the biological parents.

9.6.2 Decisions Addressed During Administrative Reviews

The following decisions will need to be addressed during any review, including the FST, and recorded for the specific child/family:

1. Is continued placement necessary;
2. If the parent(s) is not making progress, what is the best permanent plan, with adoption considered as the first option;
3. Determination of a projected date for accomplishing the initial, current, or revised permanent plan. The initial plan will include a statement of the projected costs for providing this care;
4. Planning activities for overcoming any barriers that appear to prevent the achievement of the current or revised permanent plan;
5. Should the court be requested to conduct a formal case review;
6. Should the court be requested to conduct a permanency hearing.

9.7 Operation of the Family Support Team (FST) Meeting

All team members, both required and invited, are considered full partners in the review process and should attend the entire FST meeting and have the opportunity to fully participate in the development of the child's case plan.

Related Subject: Section 4 Chapter 7.4.2 Meeting Agenda

All information provided at meetings or administrative hearings regarding removal of a child is confidential except:

- A parent or a party may waive confidentiality for himself or herself
- Any parent has the absolute right to audio or videotape such meeting to the extent allowed by the law.
- No parent or party shall be required to sign a confidentiality agreement before testifying or providing information at such meeting or hearing.
- Any person, other than a parent or party, who doesn't agree to maintain confidentiality may be excluded from any portion of the meeting during which he/she is not testifying or providing information.

The CD is responsible for developing a form (CS-1) to be used at the conclusion of any meeting held in relation to a child placed in the custody of the state. A completed CS-1 will be distributed to parents and any other party within (5) five days of FSTM.

At the beginning of each Family Support Team Meeting the Children's Division state: *"All information provided in this meeting is confidential. Any one not agreeing to keep information disclosed confidential can be asked to leave the meeting for any portion in which he/she is not testifying."* Documentation of those in agreement or disagreement should be included in the CS-1.

9.7.1 Participants in FST

Participants who are required to be invited and/or participate:

Individuals who must be invited to family support team meetings include: parents, legal counsel for the parents, foster parents, the legal guardian for the child, the GAL, and the CASA shall be provided notice of the meeting. Family members, (other than alleged perpetrator), or other community formal or informal service providers may be invited at the discretion of the family. The parents, the legal counsel for them and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such meetings. Once a person is provided notice of a meeting, the CD or the conveyor of the meeting shall provide notice of subsequent meetings.

The parent(s) of the specific child;

1. The child, if age thirteen (13) or over;

NOTE: With the approval of the immediate supervisor, a child under the age of 13 may participate. The child is considered "age appropriate" if he/she is able to understand the circumstances and implications of his out-of-home care status.

The letter of notification to all other team members and age appropriate youth must also include a copy of the CS-1 to be submitted at the FST.

NOTE: Audio recording of FST meetings is allowed by the parent, his/her attorney or designee, provided all participants are advised of the recording. Videotaping of the FST meeting is not allowed.

9.7.2 Scheduling and Notification of FST Meetings

The Family Support Team shall meet to review the case plan and provide recommendations for the provision of services for children when the court has ordered a pre-custodial evaluation be completed.

The Family Support Team shall meet to review the case plan and long-range permanency treatment plan of each child placed in out-of-home care within 30 days of the Division's receipt of custody.

Ongoing monthly FST's must be scheduled prior to the end of the child's sixth month in out-of-home care, and every six (6) months thereafter.

Two (2) weeks prior written notification must be given to the team participants, including the time and place of the review; and,

The letter of notification to the parent(s) must also include an explanation:

- a) Of the purpose of the FST;
- b) That attendance is not a requirement, but is encouraged;
- c) The right of the parent(s) to bring someone with them; and
- d) A copy of the CS-1 to be presented at the FST.

Upon appointment by the court to a case, the GAL is to be informed of and have the right to attend any and all FSTM involving the child.

The letter of notification to all other team members must also include a copy of the CS-1 to be submitted at the FST.

9.7.3 Reporting the FST Meeting

All pertinent information must be recorded on the copy of the CS-1 to be maintained in the child's file. A copy must be submitted to the jurisdictional court. Each participant of the review should complete, at a minimum, the recommendation section of the CS-1. These recommendations will be summarized on the file copy. This information is to be sent to the jurisdictional court and the child's parents.

The completed CS-1, and CS-1 ATT. for youth age 16 or over, should be submitted to court as a replacement for six-month court report or in conjunction with the submittal of the six-month court report.

The parent and out-of-home care provider should be provided with copy of the completed CS-1 either directly after the FST meeting or within five (5) days through the mail.

NOTE: There are no exceptions to conducting the FST. A child must have an FST even though it is anticipated that the child will be reunified with parents within a short period of time; or, the Division is planning to place the child for adoption within a short period of time. In other words, FST's are conducted according to the time schedule as long as the court holds jurisdiction of the child, the Division has custody, and the child is in an out-of-home care setting.

9.8 Adoption and Safe Families Act of 1997

The Adoption and Safe Families Act of 1997 is a federal law which promotes timely, permanent placements for children in foster care. The primary goal of the legislation is to expedite permanency for children in out-of-home care by setting specific time frames in which the state must act on a child's permanency plan. For some children, adoption is the best permanency plan. For other children, reunification with their birth parents or guardians may be the best plan. To accomplish this goal, we must consider all permanency options for a child. In a timely manner, we must act on the best plan, while at the same time, we must begin implementation of an alternate concurrent plan for permanency. The law establishes new time lines for "permanency" hearings (previously known as dispositional hearings) and imposes new case plans and review requirements on the Division and the juvenile courts. The permanency plan of every child, regardless of age, who has been in out-of-home care for 15 out of the most recent 22 months, must be reviewed. The state must file a termination of parental rights (TPR) petition unless compelling reasons exist for not filing this petition.

The guidelines are as follows:

9.8.1 Legal Mandates

1. The legislation requires action by mandating that the Children's Division or the juvenile office initiate or seek to join proceedings (if filed by another party) to terminate parental rights, when a child has resided in care for 15 of the most recent 22 months, unless the following conditions exist:
 - a) At the option of the state, the child is being cared for by a kin provider; or
 - b) A state agency has documented, in the case plan (which shall be made available to the court), compelling reasons that filing a petition would not be in the child's best interest; or

- c) The state has not provided timely services deemed necessary, as documented in the case plan, for the safe return of the child to the home.

For purposes of meeting the mandated time frames, a child's time in care is defined as the earlier of a) the date of the first judicial finding that the child was subjected to child abuse or neglect; or b) the date that is 60 days after the date the child was removed from the home.

- 2. The 18-month "permanency hearing" will be replaced with a "permanency planning hearing." Permanency hearings are mandated to occur within 12 months of a child's entry into care. A permanency hearing is meant to result in a definitive decision as to the placement of a child in a permanent setting. The juvenile court will be required to enter a decision regarding whether and when a child will be returned home; a termination of parental rights petition filed and placed for adoption; or referred for legal guardianship or other permanent plan.
- 3. The juvenile court will be required to notify a child's current foster parents, pre-adoptive parents or kinship providers of court reviews and give them the opportunity to be heard.
- 4. Reasonable efforts to preserve and reunify families will still be required. However, reasonable efforts may not be necessary in family situations where a court has found the following:
 - a) The parent has subjected the child to aggravated circumstances as defined in state law (including, but not limited to, abandonment, torture, chronic abuse and sexual abuse);
 - b) The parent has committed murder or voluntary manslaughter or aided or abetted, attempted, conspired or solicited to commit such a murder or manslaughter of another child of the parent;
 - c) The parent has committed a felony assault that results in serious bodily injury to the child or another child of the parent; or
 - d) The parental rights of the parent to a sibling have been involuntarily terminated.

The courts will determine when reasonable efforts are not required. If the court makes this determination, a permanency hearing must be held within 30 days of the determination. Reasonable efforts to place the child for adoption, with a legal guardian, or in another permanent placement must also be made during this time.

The state will be required to develop plans for effective use of cross-jurisdictional resources to facilitate timely, permanent placements for children awaiting adoption. Title IV-E foster care and adoption assistance funding is contingent upon the state's ability to expedite a child's adoptive placement, when the approved family is available outside of the jurisdiction with responsibility for the child.

Compliance with the federal law requires identifying children, scheduling permanency planning reviews, conducting reviews, completing a permanency plan and filing termination of parental rights petitions, if appropriate, with the juvenile courts.

9.8.2 Timeframes to Review Permanency Plans for Children in Out-of-Home Care

In order to determine the best permanency plan for each child and to meet the time frames specified in legislation, the Children's Division will facilitate family support meetings. According to current policy, every child who resides in out-of-home care and in the custody of the Children's Division must have a permanency review every six (6) months. When a child is initially placed in out-of-home care, the emphasis is usually placed on making reasonable efforts to safely return the child to his or her parents. Therefore, the emphasis during initial family support meetings is usually placed on treatment planning and implementation that will allow for reunification.

The next six-month review for children who have resided in care for 15 of the most recent 22 months must focus on permanency. All recommended permanency plans and actions must be documented and immediately provided to the juvenile court.

When the recommended plan is adoption, the Children's Division or the juvenile office must file a petition to terminate parental rights or seek to join proceedings (if filed by another party) within the following time frames:

1. Children in the Division's custody who entered care on or before November 19, 1997.

If the Family Support Team determines that it is in the best interest to be legally freed for adoption, a petition to terminate the rights of all parents of the child must be filed. Certainly, it is in the child's best interest to file immediately. In many situations, however, documentation and resources may need to be obtained before the petition can be filed. For this reason, the Adoption and Safe Families Act states that TPR petitions, for children who entered care on or before November 19, 1997 (date of federal enactment), can occur on an incremental basis, over a period of 18 months. For Missouri, the 18 month time frame begins July 1, 1998, and extends to January 1,

2000. By January 1, 1999, one-third of all petitions for children who entered care on or before November 19, 1997, must be filed. Two-thirds must be completed by July 1, 1999, and all completed by January 1, 2000.

Family Support Teams should develop an action plan that ensures timely filing of petitions or other documentation to the court. Children who have resided in out-of-home care the longest and children who already have a permanency plan of adoption, should be given first priority.

2. Children who re-enter out-of-home care after November 19, 1997, and reach the 15 of 22 month time frame before July 1, 1998.

If the Family Support Team determines that adoption is the best permanency plan for a child who entered care after November 19, 1997; and that child meets the 15 of 22 month time frame before July 1, 1998, a petition to terminate parental rights must be filed by October 1, 1998. Because 15 consecutive months have not elapsed before November 19, 1997, the only children who have resided in out-of-home care for 15 of 22 months during this time segment are children who re-entered out-of-home care and whose cumulative time meets the 15 of 22 month period.

3. Children who entered out-of-home care after November 19, 1997.

If the Family Support Team determines that adoption is the best permanency plan for a child who entered out-of-home care after November 19, 1997, a termination of parental rights petition must be filed before the child reaches 15 months in care. When scheduling 12 month reviews for children who entered care after November 19, 1997, the team should consider all permanency options, develop a permanency plan and immediately act on such plan.